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SENATE BILL 301 By  
Dixon

HOUSE BILL 1114  
By West

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29  
and Title 62, Chapter 6, relative to home inspectors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-6-301, is amended by deleting in the first sentence the language "new inspection services" and by substituting instead the language "property inspection services".

SECTION 2. Tennessee Code Annotated, Section 62-6-302, is amended by deleting such section in its entirety and by substituting instead the following:

For the purpose of property inspections performed by a person, firm or corporation licensed or certified in accordance with § 62-6-301(1), (2) or (3), "property inspection services" means the examination and evaluation of the structural and aesthetic features of residential, commercial and industrial buildings. For the purpose of inspections performed by a person, firm or corporation certified in accordance with § 62-6-301(4) or (5), "property inspection services" means the examination and evaluation of the structural and aesthetic features only of residential buildings. "Property inspection services" does not include any work which is within the scope of practice of architecture,

engineering, or landscape architecture or is performed by a person qualified to use the title "registered interior designer," all as defined in chapter 2 of this title, or any work performed by a real estate appraiser under chapter 39 of this title, or any work which is within the scope of building code enforcement, as defined in title 68, chapter 120.

SECTION 3. Tennessee Code Annotated, Title 62, Chapter 6, Part 3, is amended by adding the following as a new section thereto:

The provisions of this part shall not apply to an individual holding a valid license as a plumber, electrician, heating, or refrigeration, or any other person provided that such person's activity is limited to that activity authorized by such license or registration.

SECTION 4. Tennessee Code Annotated, Section 62-6-303, is amended by deleting such section in its entirety.

SECTION 5. Tennessee Code Annotated, Title 62, Chapter 6, Part 3, is amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. (a)(1) The director of the board, acting on behalf of the board, is authorized to issue citations against persons acting in the capacity of or engaging in the business of a property inspector without a license or certification in violation of § 62-6-301.

(2) Each citation shall be in writing and shall describe with particularity the basis of the citation.

(3) Each citation shall contain an order to cease all violations of this chapter and an assessment of a civil penalty in an amount not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000) per violation.

(b) The board shall promulgate rules and regulations to specify those conditions necessary to the issuance of a citation, and the range of penalties for violations of this chapter.

(c) The sanctions authorized pursuant to this part shall be in addition to any other remedies, civil and criminal, available to any person harmed by a violation of this chapter.

SECTION 6. Tennessee Code Annotated, Title 62, Chapter 6, Part 3, is further amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. Service of a citation issued pursuant to Section 5 of this act may be made by certified mail at the last known business address or residence address of the person cited.

SECTION 7. Tennessee Code Annotated, Title 62, Chapter 6, Part 3, is further amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. A citation issued pursuant to Section 5 of this act shall be issued by the director within one (1) year after the act or omission that is the basis for the citation.

SECTION 8. Tennessee Code Annotated, Title 62, Chapter 6, Part 3, is further amended by adding a new section thereto, as follows:

Any person served with a citation pursuant to Section 5 of this act may appeal to the director by written notice postmarked within fifteen (15) working days after service of the citation with respect to violations alleged, scope of the order, or amount of civil penalty assessed.

SECTION 9. Tennessee Code Annotated, Title 62, Chapter 6, Part 3, is further amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. If a person cited timely notifies the director that such person intends to contest the citation, the director shall afford an opportunity for a contested case hearing pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3.

SECTION 10. Tennessee Code Annotated, Title 62, Chapter 6, Part 3, is further amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. After all administrative appeals have been exhausted, the director may apply to the appropriate court for a judgment in an amount of the civil penalty, plus applicable court costs, and for an order to cease activities in violation of this part. The

motion for the order, which shall include a certified copy of the final order of the hearing officer or administrative judge, shall constitute a sufficient showing to warrant the issuance of the judgment and order.

SECTION 11. Tennessee Code Annotated, Title 62, Chapter 6, Part 3, is further amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. (a) Notwithstanding any other provision of law to the contrary, the director may waive part of the civil penalty if the person against whom the civil penalty is assessed satisfactorily completes all the requirements for, and is issued, a license or certification, as appropriate, as provided by § 62-6-301.

(b) Any outstanding injury to the public shall be settled satisfactorily before a license as a general contractor is issued.

SECTION 12. This act shall take effect January 1, 2002, the public welfare requiring it.